

Notice of Allowability

Application No.

09/608,982

Examiner

Michael J. Simitoski

Applicant(s)

YEUNG ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE of 6/10/2005.
2. ☒ The allowed claim(s) is/are 2,3,5-11,14-16,18,20-25 and 28-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/10/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

James H. Loust
JAMES H. LOUST
PATENT EXAMINER

DETAILED ACTION

1. The RCE of 6/10/2005 was received.
2. The IDS of 6/10/2005 was received and considered.
3. Applicant's citation in the IDS of 6/10/2005 has U.S. Patent 6,272,635 to Saito is listed as "Twefik et al." The Examiner has considered the '635 reference to Saito and corrected the presumed typographical error on the IDS.

Allowable Subject Matter

4. Claim 2, 3, 5-11, 14-16, 18, 20-25 and 28-30 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Rivest discloses receiving remotely originating data/challenge c (p. 5 ¶4), creating a customized identification (CID)/ $C1=C(c,r)$ which is at least partially created through encrypting the data/ c (p. 5 ¶4) as a function of a platform key/ K_i (p. 4 ¶6) and a random number/ r of a computer system receiving the data (p. 5 ¶4). **Rivest** suggests that this process is used to prevent piracy by controlling the usage of software (p. 5 ¶5). **Rivest** discloses receiving the content and decrypting the CID/ $C1$ (p. 5 ¶4) and creating authentication comparison data (ACD)/result of "decrypt and compare" (p. 5 ¶4) which is at least partially created through decrypting data embedded in the CID/ $C1$ (p. 5 ¶4-5). **Memon** discloses that watermarking is useful for ownership assertion and usage control, where a content provider (Alice) inserts an electronic watermark in the content, makes the watermarked data publicly available and later uses that to prove its ownership and disprove others' false claims of ownership (p. 35 ¶1, p. 36 Fig 1) or to limit use of data to specific recipients (p. 36 ¶1).

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Further, newly cited U.S. Patent Application Publication 2003/0159043 to **Epstein** teaches receiving ROD/serial number (Fig. 4, #420), creating a CID/RDT which is at least partially created though encrypting the ROD/serial number as a function of a PK/ticket (Fig. 4, #430) and RN/seed S from which ticket is created (§51) of a computer system/CA receiving the ROD/serial (Fig. 4, #430), receiving content including at least one watermark in which at least part of the CID/ticket (because $WM = H(H(T))$) is embedded (Fig. 4, #435), wherein the content includes first and second data sets, the first data set includes the CID/RDT and RN (ticket is a one-way function of seed S) and is used to create a watermark key/RDT and the second data set includes the ROD/serial number included in T. Further, it is common in the art to use random seeds and therefore it would have been obvious to use a random seed S, making T random. However, Epstein lacks the second data set being extracted utilizing the WK, lacks the first data set including a random number/seed S (includes a one-way function of seed S) and lacks the second set including the ROD/serial number (includes one-way function of serial number).

Therefore, the prior art relied upon fails to teach or suggest a first data set/content including the CID/C1 and RN/r and the second data set/C1 including the ROD/c and the prior art relied upon fails to teach or suggest the first data set/content including the ROD/c and RN/r and the second data set/C1 including the CID/c, in combination with the other elements of the claims.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Simitoski whose telephone number is (571) 272-3841. The examiner can normally be reached on Monday - Thursday, 6:45 a.m. - 4:15 p.m.. The examiner can also be reached on alternate Fridays from 6:45 a.m. – 3:15 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis Jacques can be reached at (571) 272-6962.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300
(for formal communications intended for entry)

Or:

(571) 273-3841 (Examiner's fax, for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MJS



February 10, 2005

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FEBRUARY 10, 2005